



## MEMORANDUM

**TO:** Pennsylvania House Judiciary Committee

**FROM:** Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

**DATE:** April 18, 2021

**RE: OPPOSITION TO HB 1130 PN 1178 (WILLIAMS)**

**Bill summary:** [HB 1130](#) (PN 1178) would amend Megan's Law ([42 Pa.C.S.A. § 9799.14](#)) to add [18 Pa.C.S. § 3011\(a\)\(1\) and \(2\)](#) (relating to trafficking in individuals) and [18 Pa.C.S. § 3013](#) (relating to patronizing a victim of sexual servitude) as Tier I offenses, which require registration for 15 years and annual reporting to the Pennsylvania State Police. It would also add [18 Pa.C.S. § 3011\(b\) and § 3012](#) (relating to involuntary servitude) as it relates to sexual servitude as Tier II offenses, which require registration for 25 years and biannual reporting.

**On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1130.**

Megan's Law establishes a required registry for people convicted of (mostly) sex offenses coupled with publicly available information / community notification about those on the registry. The law divides offenses into [three tiers](#) that keep a person on the registry for 15 years (Tier I), 25 years (Tier II), or life (Tier III) **after** the person has served their sentence.

In total, Pennsylvania's Megan's Law requires registration for convictions of over **50 different offenses** as well as the *attempt, conspiracy or solicitation to commit* one of those offenses. The registry is uniquely invasive, requiring the state to publicly post and disseminate personal information for each Pennsylvania registrant ([§ 9799.28](#)), including name, year of birth, current photograph, address of any school or place of employment, license plate number and description of vehicle owned or operated, and more. Placement on the registry also comes with dire and enduring collateral consequences — over half of registrants report a loss of employment, loss or denial of a place to live, loss of a friend, or personal harassment after being placed on the registry.<sup>1</sup> And while many believe this kind of social and economic banishment (for decades or even life) is deserved, it is often our own communities that suffer the consequences of such punitive alienation.

### **HB 1130 adds non-sexual offenses to the Megan's Law sex offense registry.**

Arguably, Megan's Law requires registration for people convicted of certain sex offenses. However, legislators continue to add offenses to the registry, some of which are "no-contact" offenses — offenses that do not require physical contact between the offender and victim. By no means does this imply that these offenses are not serious; many of them are quite serious and are treated as such under current law. HB 1130 would add non-sexual offenses under [§ 3011\(a\)\(1\) and \(2\)](#), both of which are already graded as first-degree felonies, to the registry. If Megan's Law is a registry specifically designed to reduce sexual re-offenses, then on what basis or data has it been shown to effectively reduce recidivism of other types of crimes? Continuing to add non-sexual, no-contact, and/or secondary and tertiary offenses to the registry not only undermines the original intent of the law, but it threatens to backfire on the very communities it purports to protect.

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<sup>1</sup> Frenzel, Erika, et. al. (2014) *Understanding collateral consequences of registry laws: An examination of the perceptions of sex offender registrants*. Justice Policy Journal: Volume 11, Number 2 (Fall), [http://www.cicj.org/uploads/cicj/documents/frenzel\\_et\\_al\\_collateral\\_consequences\\_final\\_formatted.pdf](http://www.cicj.org/uploads/cicj/documents/frenzel_et_al_collateral_consequences_final_formatted.pdf)

### **Megan's Law is based on flawed assumptions about sex offenses and has failed to result in any measurable decrease in sexual victimization.**

Legislators have an important role in protecting communities from sexual victimization. We do not doubt that the bill sponsors take that duty seriously and sincerely wish to keep their communities safe. Proponents of community notification and registration laws truly believe that placing restrictions on registrants and sharing information about where they live and work will lead to a decrease in sexual victimization. However, decades of research does not bear this out: Megan's Law has showed **no demonstrable effect in reducing sexual re-offenses**<sup>2</sup> and **no effect on reducing the number of victims** involved in sexual offenses.<sup>3</sup>

Registration and community notification requirements are premised on three related, but inaccurate, beliefs about sexual crimes: (1) communities will be safer if they have more information about who among them has been convicted of a sex offense; (2) people on registries reoffend at a high rate; and, (3) registration restrictions and notification requirements protect people and their families from sexual violence. In fact, increasing restrictions and notification requirements is likely to have the **counterintuitive effect** of increasing the risks to public safety.

### **More information does not result in safer communities.**

Community notification laws can overstate the threat of sexual assault posed by strangers, and lead families to feel safe because they know where registered people are living. As a result, families may ignore the fact that children are most likely to be sexually assaulted by people they already know and in their own homes.

Despite the common belief that most sexual assaults are the result of victims being attacked by strangers in public places, the overwhelming majority (70%) of sexual assaults take place not at a stranger's home or in a public place, but within the residence of a victim; and 93% of sexual assault victims under the age of 17 are assaulted not by a stranger, but by a family member or an acquaintance.<sup>4</sup>

### **People convicted of sex offenses do not reoffend at a high rate.**

Recidivism rates among those convicted of sex offenses are, in fact, much lower than recidivism rates among people convicted of other felonies. Those who serve time for rape or sexual assault are 20% less likely to be rearrested than all other offense categories combined (84%) and people who serve sentences for sex offenses are much less likely to be rearrested for another sex offense (7.7%) than for a property (24%), drug (18.5%), or public order (59%) offense (a category which includes probation and parole violations).<sup>5</sup>

### **Increased registry restrictions and notifications often increase risks to public safety.**

While community notification laws are intended to lower recidivism rates, they may actually have the opposite effect. Such laws often result in people on the registry losing their jobs or homes, being subjected to threats and harassment from neighbors, and being subjected to property damage.<sup>6</sup> Being placed on the registry can result in lifelong penalties that permanently impact a person's ability to ever successfully reintegrate back into their communities.

<sup>2</sup> Hanson, Karl, et. al. *Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender*. Psychology, Public Policy and Law (May 8, 2017),

[http://saratso.org/docs/Hanson\\_et\\_al\\_in\\_press\\_Not\\_always\\_a\\_SO\\_2017\\_05.docx](http://saratso.org/docs/Hanson_et_al_in_press_Not_always_a_SO_2017_05.docx)

<sup>3</sup> Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). *Megan's law: Assessing the practical and monetary efficacy* (Report on Grant Award 2006-IJ-CX-0018). Washington, DC: National Institute of Justice, <https://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf>

<sup>4</sup> Howard N. Snyder, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident and Offender Characteristics*, Bureau of Justice Statistics (2000), <https://www.bjs.gov/content/pub/pdf/saycrle.pdf>

<sup>5</sup> Alper, Mariel, et. al. (2019). *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-2014)*. Washington DC: U.S. Department of Justice, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/rsorsp9yfu0514.pdf>

<sup>6</sup> Human Rights Watch, *No Easy Answers: Sex Offender Laws in the US* (2007), <https://www.hrw.org/report/2007/09/11/no-easy-answers/sex-offender-laws-us>

Registry restrictions undermine stability for those returning to their communities,<sup>7</sup> adversely affecting their ability to obtain housing, work, and family support.<sup>8</sup> As a result, these restrictions may actually *increase* the risks to public safety. In fact, the California Sex Offender Management Board had this to say about registry restrictions: “*There is no research which supports the use of these strategies, there is substantial research showing that such policies have no effect on preventing recidivism, and there is a growing body of research which indicates that residence restrictions actually increase sex offender recidivism [for violations and petty crime, not for re-offense] and decrease community safety.*”<sup>9</sup>

Unsurprisingly, the best way to promote public safety is by taking preventative measures — such as ensuring stable housing, treatment, and mental health services. Research shows that people are less likely to reoffend or to violate the terms of their supervision when (1) social supports exist to assist them with a successful transition back to society and (2) when supervision is combined with specialized treatment.<sup>10</sup>

Support services that help those convicted of sexual offenses return to their lives is the most effective way to reduce recidivism among the small percentage of registered people who actually pose a risk of reoffending.

HB 1130, and legislation like it, will not result in communities being better able to protect themselves from sexual violence. To the contrary, increasing the number of registrants about whom communities are notified, as well as the volume of information publicly available about them, offers ***no discernible public safety benefit*** and, may, in fact, lead to ***increased rates*** of reoffense.

**For these reasons, we urge you to oppose House Bill 1130.**

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<sup>7</sup> Schwartzapfel, Beth. *Banished*. The Marshall Project, October 3, 2018, <https://www.themarshallproject.org/2018/10/03/banished>

<sup>8</sup> Lobanov-Rostovsky, Christopher (2015). *Adult Sex Offender Management Research Brief*. Washington DC: U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, <https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/adultsexoffendermanagement.pdf>

<sup>9</sup> California Sex Offender Management Board. Statement on Assembly Bill 201, January 6, 2016, [http://www.casomb.org/docs/CASOMB\\_LetterRegarding%20AB201\\_1-7-16.pdf](http://www.casomb.org/docs/CASOMB_LetterRegarding%20AB201_1-7-16.pdf)

<sup>10</sup> Reagan Daly, *Treatment and Reentry Practices for Sex Offenders*, Vera Institute of Justice (2008). <https://www.vera.org/publications/treatment-and-reentry-practices-for-sex-offenders-an-overview-of-states>